

SECOND REGULAR SESSION

HOUSE BILL NO. 1334

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TROUPE.

Pre-filed December 27, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3423L.011

AN ACT

To amend chapter 324, RSMo, by adding thereto ten new sections relating to holistic medicine.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 324, RSMo, is amended by adding thereto ten new sections, to be
2 known as sections 324.750, 324.753, 324.756, 324.759, 324.762, 324.765, 324.768, 324.771,
3 324.774 and 324.777, to read as follows:

324.750. For the purpose of sections 324.750 to 324.780, the following terms shall
2 **mean:**

3 (1) "Department", the department of economic development;

4 (2) "Malpractice", failure on the part of a person certified pursuant to this chapter
5 to exercise the degree of care, diligence, and skill ordinarily exercised by naturopaths;

6 (3) "Naturopath", an individual who engages in the practice of naturopathy;

7 (4) "Naturopathic client", an individual who receives services from a naturopath;

8 (5) "Naturopathy", a distinct system of noninvasive health practice in which
9 neither surgery nor drugs are used, consisting instead of assessment, education, counseling,
10 and natural health modalities including, but not limited to, the use of foods, food extracts,
11 vitamins, minerals, enzymes, digestive aids, herbs, botanical substances, homeopathic
12 preparations, aromatherapy, air, water, touch, heat, cold, sound, light, iridology, and
13 exercise to help stimulate and maintain the body's intrinsic self-healing process;

14 (6) "Psychometrically valid and reliable", developed on the basis of role delineation
15 validation, reliability, passing point, and sensitivity review factors, according the generally
16 accepted standards.

324.753. 1. No individuals may represent themselves as certified to practice
2 **naturopathy in this state without first complying with this chapter.**

3 **2. Individuals certified pursuant to this chapter shall have the exclusive right to use**
4 **the term certified in conjunction with the following titles and terms: "naturopath",**
5 **"doctor of naturopathy", "naturopathic doctor", "naturopathic", "naturopathy",**
6 **"naturopathic health care", and "N.D.".**

324.756. Individuals certified pursuant to this chapter are authorized to practice
2 **naturopathy in conjunction with the term "certified".**

324.759. Naturopaths certified pursuant to this chapter may not:

- 2 **(1) Prescribe, dispense, administer, or make any recommendations pertaining to**
3 **any legend or controlled substance as defined in the federal Controlled Substance Act,**
4 **United States Code, Title 21, Sections 801 to 971;**
5 **(2) Perform surgical procedures;**
6 **(3) Practice emergency medicine, except as a Good Samaritan rendering gratuitous**
7 **services in the case of emergency and except for the care of minor injuries;**
8 **(4) Practice or claim to practice medicine, surgery, osteopathy, dentistry, podiatry,**
9 **optometry, chiropractic, physical therapy, or obstetrics;**
10 **(5) Recommend discontinuance of medically prescribed treatments;**
11 **(6) Engage in sexual contact with a naturopathic client or former client, engage in**
12 **contact that may be reasonably interpreted by a client as sexual, engage in any verbal**
13 **behavior that is seductive or sexually demeaning to the patient, or engage in sexual**
14 **exploitation of a client or former client. For the purposes of this subdivision, "former**
15 **client" means a person who has obtained services from the naturopath within the past two**
16 **years;**
17 **(7) Use advertising that is false, fraudulent, deceptive, or misleading;**
18 **(8) Reveal a communication from, or relating to, a naturopathic client except when**
19 **otherwise required or permitted by law;**
20 **(9) Fail to comply with a naturopathic client's request made pursuant to section**
21 **324.765 or to furnish a naturopathic client's record or report required by law;**
22 **(10) Split fees or promise to pay a portion of a fee to any other professional other**
23 **than for services rendered by the other professional to the naturopathic client;**
24 **(11) Fail to provide a naturopathic client with a copy of the client bill of rights or**
25 **violation of any provisions of the client bill of rights; or**
26 **(12) Fail to provide a naturopathic client with a recommendation that the client see**
27 **a licensed health care provider.**

324.762. The department may adopt such rules as are necessary to carry out the
2 **purposes of this chapter including, but not limited to, investigation of complaints,**
3 **imposition of sanctions from suspension of certification to revocation of certification. The**

4 department shall also establish fees based on its estimates of the revenue required to
5 administer this chapter.

2 324.765. 1. A person certified pursuant to this chapter may use the titles set forth
2 in section 324.753.

3 2. All persons certified pursuant to this chapter shall provide to each naturopathic
4 client prior to providing services a written copy of the naturopathic client bill of rights.
5 A copy must also be posted in a prominent location in the office of the naturopath.
6 Reasonable accommodations shall be made for those clients who cannot read or who have
7 communication impairments and those who do not speak English. The naturopathic client
8 bill of rights shall include the following:

9 (1) The name, complementary and alternative health care title, business address,
10 and telephone number of the individual certified pursuant to this chapter;

11 (2) The degrees, training, experience, or other qualifications of the practitioner
12 regarding the naturopathic care being provided, followed by the following statement in
13 bold print:

14 "THE STATE OF MISSOURI HAS NOT ADOPTED ANY EDUCATIONAL AND
15 TRAINING STANDARDS FOR CERTIFIED NATUROPATHS. THIS STATEMENT OF
16 CREDENTIALS IS FOR INFORMATION PURPOSES ONLY. Under Missouri law, a
17 certified naturopath may not provide a medical diagnosis or recommend discontinuance
18 of medically prescribed treatments. If a client desires a diagnosis from a licensed health
19 care provider, the client may seek such services at any time.";

20 (3) The name, business address and telephone number of the practitioner's
21 supervisor, if any;

22 (4) Notice that a naturopathic care client has the right to file a complaint with the
23 practitioner's supervisor, if any, and the procedure for filing complaints;

24 (5) The name, address, and telephone number of the department and notice that
25 a client may file complaints with the department;

26 (6) The practitioner's fees per unit of service, the practitioner's method of billing
27 for such fees, the names of any insurance companies that have agreed to reimburse the
28 practitioner, or health maintenance organizations with whom the practitioner contracts
29 to provide service, whether the practitioner accepts Medicare, medical assistance, or
30 general assistance medical care, and whether the practitioner is willing to accept partial
31 payment, or to waive payment, and in what circumstances;

32 (7) A statement that the client has a right to reasonable notice of changes in services
33 or charges;

34 (8) Notice that the client has a right to complete and current information

35 concerning the practitioner's assessment and recommended service that is to be provided,
36 including the expected duration of the service to be provided;

37 (9) A statement that the client may expect to be treated courteously at all times;

38 (10) A statement that client's records are confidential, unless release of these
39 records is authorized in writing by the client, or otherwise provided by law;

40 (11) A statement of the client's right to be allowed access to records and written
41 information from records in accordance with section 324.765;

42 (12) A statement that the client has the right to choose freely among available
43 practitioners and to change practitioners after services have begun; or

44 (13) A statement that the client has a right to coordinated transfer when there will
45 be a change in the provider of services.

324.768. 1. Prior to the provision of any services, a naturopathic client must sign
2 a written statement attesting that the client has received the naturopathic client bill of
3 rights.

4 2. The department shall issue a certificate to practice naturopathy together with
5 the rights and privileges set forth herein to anyone who passes the exam in subsection 3 of
6 this section, pays the required annual fees established by the department, is twenty-one
7 years of age and is of good moral character.

8 3. An applicant for certification shall pass any one of the following examinations,
9 provided such examination is psychometrically valid and reliable:

10 (1) The examination offered by the American Board of Naturopathic Examiners
11 (ABNE), a nonprofit corporation;

12 (2) The examination offered by the Natural Health Examination and Certification
13 Board (NHECHB), a nonprofit corporation; or

14 (3) Any other examination that tests naturopathy as defined in this chapter and
15 which is approved by the department. The examination may be passed prior to the
16 effective date of this section.

324.771. 1. Nothing in this chapter may be construed to prohibit or to restrict:

2 (1) The practice of a profession by individuals who are licensed, certified, or
3 registered pursuant to other laws of this state who are performing services within their
4 authorized scope of practice;

5 (2) An individual from administering a domestic or family remedy;

6 (3) Persons from furnishing nutritional information or engaging in the explanation
7 to customers about foods, food materials, vitamins, herbs, or other dietary supplements in
8 connection with the marketing, sale or distribution of those products;

9 (4) Any person certified pursuant to this chapter from engaging in the marketing

10 and distribution of food and food materials, vitamins, herbs, or other dietary supplements;

11 (5) A person or group who disseminates information or literature relating to the
12 benefits or preparation of food, food materials, or dietary or food supplements;

13 (6) A person or group who gives speeches, conducts seminars, or teaches classes in
14 natural health;

15 (7) A person or group who conducts exercise, fitness, or weight control programs;

16 (8) A person or group who is traditionally recognized in the community as a
17 provider of naturopathic advice including, but not limited to, a curandero or medicine man
18 or woman, and who advises people according to or based on cultural practices;

19 (9) A person who practices animal nutrition;

20 (10) A person who practices midwifery.

21 2. This chapter recognizes that many of the techniques and modalities used in
22 naturopathy including, but not limited to, the use of nutritional supplements, herbs, foods,
23 homeopathic preparations, and such physical forces as heat, cold, water, touch, light, and
24 iridology are not the exclusive privilege of persons certified pursuant to this chapter, and
25 their use by persons not certified by this chapter to assess, educate, advise, and counsel
26 others is not prohibited by this chapter and does not constitute the practice of medicine.

27 3. Nothing in this chapter shall be construed to interfere with the religious practices
28 or observances of a religion or religious organization, nor to prevent any person from
29 caring for the sick in accordance with tenets and practices of any church or religious
30 denomination which teaches reliance upon spiritual means through prayer for healing.

324.774. The provisions of sections 324.750 to 324.777 are severable. If any part
2 of sections 324.750 to 324.777 is declared invalid or unconstitutional, such declaration shall
3 not affect the part that remains.

324.777. 1. There is hereby created the "Missouri Naturopathic Advisory
2 Committee", to be composed of five members to be appointed by the department.

3 2. The naturopathic advisory committee shall:

4 (1) Assist the department in conducting examinations for applicants of
5 naturopathic certification;

6 (2) Advise the department on all matters pertaining to the certification of
7 naturopaths;

8 (3) Review all complaints and/or investigations wherein there is a possible violation
9 of sections 324.750 to 324.770 or regulations promulgated pursuant thereto and make
10 recommendations to the department for action; and

11 (4) Follow the provisions of the department's administrative practice procedures
12 in conducting all official duties.

- 13 **3. Each naturopathic advisory committee member shall:**
- 14 **(1) Be a citizen of the United States and a resident of the state of Missouri for five**
- 15 **years next preceding appointment; and**
- 16 **(2) Be comprised of three certified naturopaths except for initial appointees; and**
- 17 **(3) One member shall be a physician duly licensed by the Missouri state board for**
- 18 **the healing arts; and**
- 19 **(4) One member shall be a general public member.**
- 20 **4. Except for the initial appointees, members shall hold office for terms of six years.**
- 21 **The department shall designate one member for a term expiring in 2002, one member for**
- 22 **a term expiring in 2003, one member for a term expiring in 2004, one member for a term**
- 23 **expiring in 2005, and one member for a term expiring in 2006. In the event of death,**
- 24 **resignation, or removal of any member, the vacancy of the unexpired term shall be filled**
- 25 **by the department in the same manner as the other appointments.**